

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MINELABS AMERICAS, INC.,

Plaintiff(s),

vs.

UKR TRADE, INC., et al.,

Defendant(s).

Case No. 2:12-cv-00827-GMN-NJK

**ORDER DENYING PROPOSED
DISCOVERY PLAN AS PREMATURE**
(Docket No. 25)

Pending before the Court is the parties' proposed discovery plan (Docket No. 25), which is hereby **DENIED** as premature. The requirement to file a discovery plan is triggered when the first defendant "answers or otherwise appears." *See* Local Rules 26-1(d), 26-1(e). To date, no answers have been filed. Defendants UKR Trade, Inc. and Pavlenko have filed a motion to dismiss. *See* Docket No. 12.¹ While other types of motions to dismiss may trigger the discovery deadlines in the Local Rules, a motion to dismiss for lack of personal jurisdiction is a special appearance limited to challenging personal jurisdiction. *See, e.g., Gerber v. Riordon*, 649 F.3d 514, 520 (6th Cir. 2011). As such, there has been no appearance for purposes of Local Rule 26-1(d) and 26-1(3), and the proposed discovery plan is premature.²

IT IS SO ORDERED.

DATED: March 29, 2013



NANCY J. KOPPE
United States Magistrate Judge

¹ Judge Navarro has denied that motion with leave to re-file subject to jurisdictional discovery. Docket No. 26. The parties shall commence the jurisdictional discovery forthwith.

² The Court appreciates the parties' efforts to ensure compliance with the Local Rules by filing the discovery plan in an abundance of caution.